**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	**8:06CR311**
vs.	)	
	)	**ORDER**
SIMON FRAZIER,	)	
	)	
Defendant.	)	

Defendant Simon Frazier (Frazier) appeared before the court on July 16, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 69). Frazier was represented by Edith Simpson and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through his counsel, Frazier waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Frazier should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Frazier declined to present any evidence or request a hearing. Since it is Frazier's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Frazier has failed to carry his burden and Frazier should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1.   A final dispositional hearing will be held before Judge Joseph Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on August 28, 2012.** Defendant must be present in person.

2.   Defendant Simon Frazier is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3.   Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4.   Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 16th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge